

REC'D CT/PTO

9 DEC 2002

EV 262961729 US

Matter No. 6794S-000005USC  
Express Mail No. EV 262961729 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

MAR 12 2003

RECEIVED

In re Application of Kararli, et al

Application No. 10/031,898

Group Art Unit:

I. A. Filed: December 6, 2000

For: Cyclooxygenase-2 Inhibitor Compositions  
Having Rapid Onset of Therapeutic Effect

December 9, 2002

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts, dated May 7, 2002, Applicants submit the following:

1. Petition Under 37 C.F.R. §1.47(a);
2. Declaration in Support of Petition Under 37 C.F.R. §1.47(a);
3. Copy of Notice to File Missing Parts;
4. Declarations and Powers of Attorney;
5. Check for late filing fee and extension fee in the amount of \$2,090.00

Respectfully submitted,

By: 

Donald R. Holland  
Reg. No. 35,197  
Harness, Dickey & Pierce  
7700 Bonhomme, Suite 400  
St. Louis, MO 63105  
(314) 726-7500  
(314) 726-7501 FAX



UNITED STATES PATENT AND TRADEMARK OFFICE

**FAXED**  
 MAY 14 2002

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,898	Kararli	6794S-000005USC

 Donald R Holland  
 Harness Dickey & Pierce  
 7700 Bonhomme  
 Suite 400  
 St Louis, MO 63105

**R E C E I V E D**  
 MAY 13 2002

 HARNESS, DICKEY & PIERCE  
 ST. LOUIS, MISSOURI

INTERNATIONAL APPLICATION NO.	
PCT/US00/32434	
I.A. FILING DATE	PRIORITY DATE
12/06/2000	12/09/1999

CONFIRMATION NO. 8229

371 FORMALITIES LETTER



\*OC00000008015458\*

Date Mailed: 05/07/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 20 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,898	PCT/US00/32434	6794S-000005USC

FORM PCT/DO/EO/905 (371 Formalities Notice)

RECEIVED CT/PTO

9 DEC 2002

EV 262961729 US

HDP/SB/21 based on PTO/SB/21 (08-00)

Please type a plus sign (+) inside box → ☐

DT05 Received CT/PTO 09 DEC 2002

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/031,898
Filing Date	December 6, 2002 (A.)
First Named Inventor	Kararli et al.
Group Art Unit	unknown
Examiner Name	unknown
Attorney Docket Number	6794S-000005/USC

RECEIVED  
MAR 12 2003  
TECH CENTER 1600/2900

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (1.47) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard Declaration & Power of Attorney Declaration in Support of Petition
Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Donald R. Holland	Reg. No.	35,197
Signature					
Date	December 9, 2002				

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Mary Muir		
Signature		Date	12/09/2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 2090

Complete if Known

Application Number	10/031,898
Filing Date	December 6, 2000 (I. A.)
First Named Inventor	Kararli et al.
Examiner Name	unknown
Group / Art Unit	unknown
Attorney Docket No.	6794S-000005/USC

**RECEIVED**  
MAR 12 2003  
TECH CENTER 1600/2300

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																															
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 08-0750</p> <p>Deposit Account Name: Hamess, Dickey &amp; Pierce, P.L.C.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td>1960</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid</p>		Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Donald R. Holland	Registration No. Attorney/Agent	35,197	Telephone	314-726-6500
Signature	<i>Donald R. Holland</i>	Date	December 9, 2002		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EV 262961729 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kararli, et al :  
: Application No. 10/031,898 : Group Art Unit: Unknown  
: :  
: I. A. Filed: December 6, 2000 :  
: :  
: For: Cyclooxygenase-2 Inhibitor Compositions :  
: Having Rapid Onset of Therapeutic Effect :

Commissioner for Patents  
Washington, D.C. 20231

Sir:

PETITION UNDER 37 C.F.R. §1.47(a)

This is submitted as a petition under 37 C.F.R. 1.47(a) requesting that the above-identified application for patent be made by joint inventors signing the enclosed declarations on behalf of themselves and on behalf of a nonsigning inventor, Subhash Desai, Ph.D., who refuses to join in the application. The enclosed declaration is signed by all the available joint inventors with the signature block of the nonsigning inventor left blank which is treated as having been signed by all available joint inventors on behalf of the nonsigning inventor as set forth in M.P.E.P. § 409.3(a)(A). The pertinent facts are as set forth in the accompanying Declaration in Support of Petition by Mr. Steven J. Sarussi and the last known address of the nonsigning inventor, Subhash Desai, Ph.D., is 1011 Greenwood Avenue, Wilmette, Illinois, 60091.

The facts, in pertinent part as set forth in the Declaration by Steven J. Sarussi, are as follows. A copy of U.S. Application Serial No. 10/031,898 naming Subhash Desai, Ph.D as one of the joint inventors was provided to Dr. Desai on August 28, 2002 with a letter requesting that Dr. Desai execute the Declaration. Dr. Desai raised questions in a letter dated November 3, 2002 regarding his perceived entitlement to payment for reviewing patent applications and regarding why certain individuals were not listed as

inventors on the application. These questions were addressed in an oral voicemail message to Dr. Desai from Steven J. Sarussi on November 6, 2002. A further certified letter was sent on November 20, 2002 including all documents previously sent and requesting that Dr. Desai execute the declaration. Dr. Desai has refused and continues to refuse to execute the declaration.

It is, hereby, requested that the signing of the enclosed Declaration by all available joint inventors be accepted as execution on behalf of the nonsigning inventor Subhash Desai, Ph.D.

Respectfully submitted,

By:   
Donald R. Holland

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kararli, et al

Application No. 10/031,898

I. A. Filed: December 6, 2000

For: Cyclooxygenase-2 Inhibitor Compositions  
Having Rapid Onset of Therapeutic Effect

Group Art Unit:

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December 9, 2002

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3. Fee Transmittal Letter (in duplicate);
4. Response to Notice to File Missing Parts;
6. Copy of Declaration and Power of Attorney;
7. Return Postcard.

By Donald R. Holland  
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